

FILED
MAY 21 AM 10:00
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA


UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Luis MURGUIA

Defendant.

BY:  Magistrate Case No. _____

'08 MJ 1582
DEPUTY

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien
Without Presentation

The undersigned complainant being duly sworn states:

On or about **May 20, 2008**, within the Southern District of California, defendant **Jose Luis MURGUIA**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Guadalupe CRUZ-Diaz**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **21ST** DAY OF
MAY, 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Guadalupe CRUZ-Diaz** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 20, 2008, at approximately 0655 hours, **Jose Luis MURGUIA (Defendant)** was waiting to make application for admission into the United States from Mexico via the vehicle primary lanes at the San Ysidro Port of Entry. Defendant was the driver and sole visible occupant of a white Chevrolet Blazer. During pre-primary inspection, a U.S. Customs and Border Protection (CBP) Canine Enforcement Officer (CEO) responded to the vehicle after her Narcotics/Human Detection Dog alerted to the vehicle Defendant was driving. During an inspection of the vehicle, the CEO noticed a non-factory compartment affixed between the frame rails of the vehicle. Another CBP Officer approached Defendant who gave two negative customs declarations, claimed ownership of the vehicle and declared United States citizenship. The vehicle and Defendant were escorted to secondary inspection.

In secondary, CBP Officers removed bolts and rear seats in order to gain access to the non-factory undercarriage compartment. The compartment was composed of welded sheet metal affixed between the vehicle's undercarriage steel rail frame. An access panel was found inside the vehicles interior floor board. Upon opening the access panel CBP Officers discovered two individuals concealed within the compartment. CBP Officers removed a female and male from the compartment. The female was retained as a Material Witness and is now identified as **Guadalupe CRUZ-Diaz (Material Witness)**. Material Witness was determined to be a citizen of Mexico without legal documents to enter the United States.

During a videotaped interview, Material Witness declared she is a citizen of Mexico without legal rights to enter the United States. Material Witness stated she was going to pay \$3,000 USD to be smuggled into the United States. Material Witness stated she was en route to Orange, California to reunite with relatives.